

Remarks

Claims 1-5, 8-12, 15-19, 39 and 45 are pending in this application. Claims 7, 14, 21 and 40-44 are newly canceled without prejudice or disclaimer. Accordingly, claims 6, 7, 13, 14, 20-38 and 40-44 are canceled. Support for the amendment to claims 1, 8 and 15 is found, *inter alia*, in canceled claim 42 and at specification page 19, lines 5-7, and page 22, lines 26-28.

The Rejection under 35 U.S.C. § 112, First Paragraph (Enablement)

At Office action page 2, claims 1-5, 7-12, 14-19 and 21-45 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully traverse this rejection.

Examiner states that the specification is enabling for:

- (1) a method for inhibiting the cancerous growth of a colon or breast cancer cell that expresses EphB4 comprising contacting the cell with an antibody that binds an EphB4 epitope located within residues 200-400 of EphB4II, and
- (2) inducing the death of a cancer cell as above; and
- (3) treating cancer in a subject comprising contacting the cells with an antibody to an epitope on EphB4.

In the interests of advancing prosecution, Applicant has amended the independent claims to refer to breast and colon cancer cells. Also, Applicant has canceled claims that

refer to the change of amino acid residue 226. Accordingly, it is believed that the rejection can be withdrawn.

Rejection under 35 U.S.C. § 112, First Paragraph (Written Description)

At Office action page 13, claim 40 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses this rejection. However, in the interests of advancing prosecution, claim 40 has been canceled. Thus, this rejection can be withdrawn.

Conclusion

Prompt and favorable consideration of this Amendment and Reply is respectfully requested. Applicant believes the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C



Michele A. Cimbala
Attorney for Applicant
Registration No. 33,851

Date: Aug. 26, 2009

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

1019313.1

2381.0010000.MAC